

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6444**

**BILL NUMBER:** SB 385

**NOTE PREPARED:** Dec 15, 2006

**BILL AMENDED:**

**SUBJECT:** Electronic Recording of Custodial Interrogations.

**FIRST AUTHOR:** Sen. Broden

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It requires state and local law enforcement agencies to electronically record custodial interrogations of suspects during murder investigations conducted after June 30, 2008.
- B. It requires the agencies to retain copies of custodial interrogations for certain periods.
- C. It provides for certain exceptions.
- D. It provides that any statements made by a suspect that are in violation of the custodial interrogation requirements are inadmissible in a murder prosecution against the suspect.

**Effective Date:** July 1, 2007.

**Explanation of State Expenditures:** This bill should result in minimal impact to state agencies. In this bill, a "custodial interrogation" occurs when a law enforcement officer questions a person about a murder and the person considers himself or herself to be in custody. The questions that the law enforcement officer asks may result in an incriminating response. Beginning July 1, 2008, any custodial interrogation occurring in a law enforcement agency's building must be recorded with electronic equipment. The price of office video recording equipment is estimated to be between \$2,000 and \$3,000.

While eight state agencies have law enforcement officers with arrest powers, the State Police will conduct almost all murder investigations. The cost to the Indiana State Police should be minimal since the State Police typically record interrogations with audio recording equipment.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** This bill is anticipated to result in minimal to moderate costs to local law enforcement agencies. The cost to county sheriffs should be minimal since almost all county sheriffs record interrogations using electronic equipment. Electronic recording of interrogations is standard operating procedure for municipal police departments in larger urban areas in Indiana. Consequently, these agencies should already be able to comply with this legislation.

Municipal police departments in smaller cities and towns may have a more difficult time complying. However, these smaller departments can probably have access to the equipment at the headquarters of another department. There are 454 municipal police departments in Indiana.

*Background Information:* As an illustration of how many persons are questioned about murder in Indiana, the number of persons arrested for murder between 1999 and 2004 is shown in the following table. The persons arrested ranged between 204 and 250 each year. The number of arrests would be a subset of the number of persons who were held in custody and questioned about murder.

Number of Persons in Indiana Arrested for Murder by CY						
1999	2000	2001	2002	2003	2004	2005
244	204	236	250	204	232	248
Source: <i>Crime in the United States</i> , Federal Bureau of Investigation, 1999 through 2005						

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana State Police.

**Local Agencies Affected:** Local law enforcement agencies.

**Information Sources:** *Crime in the United States*, Federal Bureau of Investigation; Doug Gosser, Indiana Sheriffs' Association; Uniform Crime Reports, Federal Bureau of Investigation.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.